

REMARKS/ARGUMENTS

This is in response to the office action dated 2/27/2006. Claims 1-3 and 5-11 remain in consideration. Claims 1 and 8 have been amended. No new subject matter has been added.

The Office Action rejected claims 1-3, 5-6 and 8-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 5 have been amended to remove the recitation of "preselected" thus addressing the underlying lack of antecedent basis rejection. Claim 8 has been amended to remove the recitation of "the", also addressing the underlying lack of antecedent basis rejection. Regarding the remaining reason for rejection of claim 5 under 35 U.S.C. 112, second paragraph, applicants submit that the claim is not properly rejected thereunder. The Office Action asserts that it appears from the claim that the transmission would have two different speeds at the same time. However, the limitations of providing the speed of the transmission member as a first speed signal and providing the speed of the transmission member as a second speed signal include additional respective recitation not considered in the Office Action. The pertinent part of claim 5 is set forth below:

providing as the speed of the transmission member a first speed signal
calculated from at least one output from a redundant pair of rotation
sensors operatively sensing rotation of the output member when either
rotation sensor is providing an in-range output; and,
providing as the speed of the transmission member a second speed signal
calculated from electrical phase information of said at least one electric
motor and an effective rotation ratio between the transmission member
and said at least one electric motor when neither rotation sensor is
providing an in-range output.

Underlining has been added for emphasis. It can be seen that the provision of the speed of the

transmission member as either the first speed signal or second speed signal is in accordance with the additional conditions respecting rotation sensor output. Therefore, if either sensor is providing an in-range output, a first speed signal is provided as the speed of the transmission member. However, when neither sensor is providing an in-range output, a second speed signal is provided as the speed of the transmission member. Clearly, there is no problem with claim 5 and claim 5 is not indefinite under 35 U.S.C. 112, second paragraph. Applicants therefore respectfully traverse this rejection of claim 5. Applicants believe that by the amendments to claims 1, 5 and 8, and in view of the traversal above with respect to claim 5, that all reasons for rejection of claims 1, 5 and 8 under 35 U.S.C. 112, second paragraph, have been addressed and request withdrawal of all 35 U.S.C. 112, second paragraph rejections.

The Office Action rejected claims 1-3 and 5-8 by specific mention under 35 U.S.C. 103(a) as being unpatentable over USPN 6,343,250 to Kuras et al (hereinafter "*Kuras*") in view of USPN 5,060,176 to Nawa, et al., (hereinafter "*Nawa*"). The Office Action failed to specifically recite rejection of claims 9-11 under 35 U.S.C. 103(a); however, neither did the Office Action indicate their allowability if the underlying 35 U.S.C. 112, second paragraph rejection of claim 8 from which they depend was addressed. Applicants are not certain of the intended status of claims 9-11 but for purposes of this paper assume that claims 9-11 stand rejected under 35 U.S.C. 103(a).

Since this application has claims twice rejected, applicants are electing to appeal from the decision of the examiner to the Board of Patent Appeals and Interferences pursuant to 37 CFR 1.191. Therefore, applicants respectfully request entry of the amendments herein such that the amended claims reflect the claims to be considered under appeal. Applicants are submitting concurrently PTO/SB/31 NOTICE OF APPEAL.

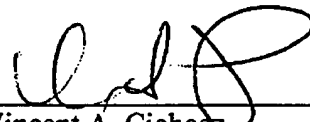
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If the Examiner has any questions regarding the contents of the present response he may contact applicants' attorney at the phone number appearing below.

Any fees associated with this response may be charged to General Motors Deposit Account No. 07-0960.

Respectfully submitted,



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